

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Gerald A. Lejchar,  
Mary Kay Lejchar,

Civil No. 07-1064 (DSD-JJG)

Plaintiffs,

v.

**ORDER**

Barbe L. Puro,  
Malmberg Development Corporation,  
Eric P. Malmberg,  
Prescott Real Estate Partners,  
Heidi D. Beacham,  
First Class Funding,  
Jacob Kor,  
Rachel Kor,  
Berglund Enterprises, Inc.,  
Christopher Burglund,  
Marquis Mortgage, Inc.,  
John Doe(s),  
Mary Roe(s),  
XYZ Corporation,

Defendants.

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This matter is before the undersigned upon the report and recommendation of the United States Magistrate Judge. No objections have been filed to that report and recommendation in the time period permitted. Based on the report and recommendation of the Magistrate Judge, and being duly advised of all the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. The Malmberg defendants' motion to dismiss, or in the alternative, to stay pending arbitration (Doc. No. 2) is **GRANTED**.
2. The motion to join by defendants Heidi Beacham and Marquis Mortgage (Doc. No. 18) is **DENIED AS MOOT**.

3. The Lejchars' motion to amend their complaint (Doc. No. 23) is **DENIED**.
4. All claims in this matter are **DISMISSED WITHOUT PREJUDICE**.
5. The pending motion to dismiss by defendant Barbe Puro (Doc. No. 42) is **DENIED AS MOOT**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated this 9th day of August, 2007.

s/David S. Doty  
David S. Doty, Judge  
United States District Court